

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI

WANDA BRANDON, ET AL.,

Plaintiffs,

v.

BOARD OF EDUCATION OF THE CITY  
OF ST. LOUIS, KELVIN R. ADAMS AND  
CHARLES K. BURTON

Defendants.

Case No. 4:22-CV-00635 SRC

**DEFENDANTS BOARD OF EDUCATION OF THE CITY OF ST. LOUIS,  
KELVIN R. ADAMS, AND CHARLES K. BURTON'S  
MOTION TO DISMISS PLAINTIFFS' COMPLAINT**

COME NOW Defendants Board of Education of the City of St. Louis ("SLPS" or "Board"), Kelvin R. Adams ("Dr. Adams"), and Charles K. Burton ("Mr. Burton") (all Defendants collectively referred to as "Defendants"), by and through their undersigned counsel, and for their Motion to Dismiss Plaintiffs' Complaint ("Motion") state as follows:

1. Plaintiffs' Complaint alleges that the Defendants violated their constitutional and statutory rights when it, for a period of time, denied their requests for religions exemptions from the District's COVID-19 vaccination policy.

2. Specifically, Plaintiffs allege the Vaccine Policy violated: 1) their First Amendment right to the free exercise of religion (Count I); 2) their Fourteenth Amendment rights to privacy, personal autonomy, and personal identity (Count II); 3) the Missouri Human Rights Act ("MHRA") (Count III); and 4) Title VII of the Civil Rights Act of 1964 ("Title VII") (Count IV)<sup>1</sup>.

3. Counts I and II fail to state a claim because the vaccination policy is rationally connected the District's legitimate interests in protecting the health, safety, and education of its

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<sup>1</sup> The Complaint mislabels Plaintiffs' fourth cause of action "Count IX," but for purposes of this Motion, it will be referred to as Count IV.

students.

4. Counts I and II also fail to state a claim because, as a matter of law, Plaintiffs failed to identify a constitutionally protected right that the District's vaccination policy supposedly infringes.

5. Counts III and IV fail to state a claim because allowing Plaintiffs to work unvaccinated prior to January 2022 would have resulted in an undue hardship to the District under the Missouri Human Rights Act and under Title VII of the Civil Rights Act.

6. Defendants filed a Memorandum in Support of the instant Motion to Dismiss, which is incorporated into this Motion by reference.

WHEREFORE Defendants respectfully request that this Court issue an Order dismissing the Complaint in its entirety, and for such other relief as this Court deems just and proper under the circumstances.

Respectfully submitted,

**MICKES O'TOOLE, LLC**

By: /s/ Melanie A. Renken

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 8th day of August, 2022, a true and correct copy of the foregoing was filed with the Court's electronic filing system and thereby served via electronic mail to all counsel of record:

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